

634.005

**634.005 General requirements.**

**634.005-6 Full production.**

The Deputy Secretary is the agency head for the purposes of FAR 34.005-6.

[59 FR 66766, Dec. 28, 1994]

**PART 636—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS**

**Subpart 636.1—General**

Sec.

636.101 Applicability.

636.101-70 Exception.

**Subpart 636.2—Special Aspects of Contracting for Construction**

636.209 Construction contracts with architect-engineer firms.

**Subpart 636.6—Architect-Engineer Services**

636.602 Selection of firms for architect-engineer contracts.

636.602-4 Selection authority.

636.602-5 Short selection processes for contracts not to exceed the simplified acquisition threshold.

AUTHORITY: 40 U.S.C. 486(c); 22 U.S.C. 2658.

SOURCE: 53 FR 26175, July 11, 1988, unless otherwise noted.

**Subpart 636.1—General**

**636.101 Applicability.**

**636.101-70 Exception.**

Contracts for overseas construction, including capital improvements, alterations, and major repairs, may be excepted from the provisions of the FAR (48 CFR Ch. 1) under the authority of the Foreign Service Buildings Act, 1926, as amended, 22 U.S.C. 292 *et seq.*, as further codified at section 474 of Title 40, Public Buildings, Property, and Works, of the U.S. Code.

[53 FR 26175, July 11, 1988, as amended at 59 FR 66766, Dec. 28, 1994]

**Subpart 636.2—Special Aspects of Contracting for Construction**

**636.209 Construction contracts with architect-engineer firms.**

The Procurement Executive is the head of the agency for the purposes of FAR 36.209.

48 CFR Ch. 6 (10-1-97 Edition)

**Subpart 636.6—Architect-Engineer Services**

**636.602 Selection of firms for architect-engineer contracts.**

**636.602-4 Selection authority.**

(a) The final selection decision shall be made as designated by the Deputy Assistant Secretary for Foreign Buildings Operations for acquisitions issued by that office; the Director, Moscow Embassy Buildings Control Office, for Moscow chancery building(s) only; and, the appropriate head of the contracting activity for all other actions.

[59 FR 66766, Dec. 28, 1994]

**636.602-5 Short selection processes for contracts not to exceed the simplified acquisition threshold.**

The short selection process described in FAR 36.602-5 is authorized for use for contracts not expected to exceed the simplified acquisition threshold.

[59 FR 66766, Dec. 28, 1994, as amended at 60 FR 39663, Aug. 3, 1995]

**PART 637—SERVICE CONTRACTING**

**Subpart 637.1—Service Contracts—General**

Sec.

637.103 Contracting officer responsibility.

637.104 Personal services contracts.

637.104-70 DOS personal services contracts.

637.106 Funding and term of service contracts.

637.110 Solicitation provisions and contract clauses.

AUTHORITY: 40 U.S.C. 486(c); 22 U.S.C. 2658.

SOURCE: 53 FR 26176, July 11, 1988, unless otherwise noted.

**Subpart 637.1—Service Contracts—General**

**637.103 Contracting officer responsibility.**

The Office of the Legal Adviser is the DOS legal counsel for the purposes of FAR 37.103(a)(2).

**637.104 Personal services contracts.**

The Office of the Legal Adviser is the DOS legal counsel for the purposes of FAR 37.104(e).

## Department of State

639.001-70

### **637.104-70 DOS personal services contracts.**

Pursuant to FAR 37.104(b), DOS statutory authorities for personal services contracts are—

(a) For the Department, section 2(c) of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2669);

(b) For the Bureau of Population, Refugees, and Migration, section 5(a)(6) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2605);

(c) For the Bureau for International Narcotics and Law Enforcement Affairs, section 636(a)(3) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2396);

(d) For the Foreign Service Institute, section 704(a)(4) of the Foreign Service Act of 1980, as amended (22 U.S.C. 4024);

(e) For the Office of Foreign Missions, section 208(d) of Title II—Authorities Relating to the Regulation of Foreign Missions, of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 4308);

(f) For the Office of Foreign Buildings and the Moscow Embassy Control Office, section 5 of the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 296);

(g) For the U.S. Mission to the United Nations, section 7 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287e); and

(h) For the Bureau of International Organization Affairs, the separate State Department appropriations acts.

[53 FR 26176, July 11, 1988, as amended at 59 FR 66766, Dec. 28, 1994; 60 FR 39663, Aug. 3, 1995]

### **637.106 Funding and term of service contracts.**

The Department's statutory authority for authorizing contracts for serv-

ices funded by annual appropriations to be performed in two fiscal years, if the total amount for such contracts is obligated in the earlier fiscal year, is 22 U.S.C. 2696(e). See DOSAR 632.703-3.

[59 FR 66766, Dec. 28, 1994]

### **637.110 Solicitation provisions and contract clauses.**

(a) The contracting officer shall insert the clause at 652.237-70, Compensatory Time Off, in personal services contracts awarded in support of International Narcotics Control programs overseas, if the contracting officer determines its use appropriate.

(b) The contracting officer shall insert the clause at 652.237-71, Identification/Building Pass, in all solicitations and contracts where contractor personnel require frequent and continuing access to Department of State facilities.

(c) The contracting officer shall insert a clause substantially the same as the clause at 652.237-72, Observance of Legal Holidays and Administrative Leave, in all solicitations and contracts where contractor personnel will be working on-site in any Department of State facility.

[59 FR 66766, Dec. 28, 1994]

## **PART 639—ACQUISITION OF INFORMATION RESOURCES**

AUTHORITY: 40 U.S.C. 486(c); 22 U.S.C. 2658.

### **639.001-70 Policy.**

(a) The Assistant Secretary of State for Administration is the Department's Designated Senior Official as defined in the Federal Information Resources Management Regulation (FIRM) 201-39.201.

[59 FR 66766, Dec. 28, 1994]